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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HERCULES CAPITAL, INC.,

Plaintiff,

v.

THE HOME DEPOT, INC. and  
HOME DEPOT U.S.A., INC.

Defendants.

CIVIL ACTION FILE

NO. 24-cv-07985

JURY TRIAL DEMANDED

**~~PROPOSED~~ ORDER DISMISSING WITH PREJUDICE**  
**DEFENDANT THE HOME DEPOT, INC. AND TRANSFERRING ACTION**

Now before the Court is the Parties' Joint Motion to Dismiss with Prejudice Defendant The Home Depot, Inc. pursuant to Federal Rule of Civil Procedure 41(a), and to transfer the action to the United States District Court for the Northern District of Georgia, pursuant to 28 U.S.C. § 1404. The Motion is **GRANTED**. The Clerk is **DIRECTED** to dismiss all claims against Defendant The Home Depot, Inc., and to transfer the action to the United States District Court for the Northern District of Georgia.

So ordered this 26th day of February, 2025.



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THE HONORABLE VICTOR MARRERO  
United States District Judge  
Southern District of New York